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ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

THE SITUATION IN THE OCCUPIED TERRITORIES OF CROATIA

Letter dated 22 July 1997 from the Chargé d'affaires a.i. of the Permanent Mission of Croatia to the United Nations addressed to the Secretary-General

In accordance with instructions from my Government, I have the honour to request the non-inclusion of item 96 of the provisional agenda entitled "The situation in the occupied territories of Croatia" in the agenda of the fifty-second session of the General Assembly.

The request is made bearing in mind that, following the recent nationwide local elections, new local authorities have been elected and established in the last remaining occupied territory of Croatia, and that the reintegration of that territory has been largely completed.

The request is made pursuant to paragraph 19 of annex V to the rules of procedure of the General Assembly (A/520/Rev.15), whereby the Special Committee on the Rationalization of the Procedures and Organization of the General Assembly recommends that "Member States should take special interest in the contents of the Assembly's agenda and, in particular, in deciding ... on the elimination of items which have lost their urgency or relevance[.]".

An explanatory memorandum concerning the request is attached herewith as an annex to the present letter.

* A/52/150.

READEX Best copy available

May I request your kind assistance in circulating the text of the present letter and its annex as a document of the General Assembly, under agenda items 8 and 96 of the provisional agenda.

(Signed) Vladimir DROBNJAK
Chargé d'affaires a.i.

ANNEX

Explanatory memorandum

On 29 May 1994, Croatia requested (A/49/142) that, in accordance with rule 13 (e) of the rules of procedure of the General Assembly, an item entitled "The situation in the occupied territories of Croatia", be placed on the agenda of the forty-ninth session of the General Assembly. Croatia's request was accepted by the General Assembly on 23 September 1994.

During its forty-ninth session, the General Assembly considered this item for the first time, and following a debate, on 9 December 1994 it adopted resolution 49/43 in this regard, with a vote of 142 to none, with 18 abstentions.

In the resolution, the General Assembly gave firm support to Croatia's territorial integrity within its internationally recognized borders. Inter alia, it expressed alarm and concern that the situation in the Serbian-controlled parts of Croatia was allowing and promoting a state of occupation. It called on the Federal Republic of Yugoslavia to stop its military and other activities in Croatia aimed at integrating the occupied parts into the Federal Republic of Yugoslavia. It called for the reintegration of the occupied territories into Croatia. It called upon the Federal Republic of Yugoslavia and Croatia to recognize each other within their internationally recognized borders.

After the adoption of resolution 49/43, no progress was achieved, however. In fact, the situation in the occupied territories deteriorated further, and in April 1995, a terrorist act which cost lives spilled over from the occupied territories, in this case from the territory formerly known as Sector West, into a free part of Croatia, to which the Croatian Government was compelled to respond. The Sector was reintegrated into Croatia as a result of the security operation "Flash" that followed.

A few months later, in July 1995, the situation in neighbouring Bosnia and Herzegovina became unravelled with the fall of Srebrenica and Zepa, the United Nations-designated safe areas, and the commencing of an offensive against Bihać, another safe area. The occupying personnel and matériel in the occupied territories of Croatia, the former Sectors North and South in particular, became involved in the assault on Bihać, because the fall of Bihać would further reinforce the geostrategic relationship between the occupied territories and the Federal Republic of Yugoslavia. The Croatian Government could not allow this to occur, nor could it allow an influx of 200,000 new refugees from Bihać to enter Croatia, which was already overburdened with 400,000 refugees and displaced persons, equal to almost 10 per cent of its population. The fall of Bihać became a most serious threat to State viability, territorial integrity, economic stability and internal security of Croatia to which the Government was compelled to respond. The security operation "Storm", which ensued in August 1996, reintegrated the two Sectors into Croatia and saved the Bihać safe area in Bosnia and Herzegovina.

The two security operations reintegrated former Sectors West, North and South. Sector East, also known as the region of Eastern Slavonia, Baranja and Western Sirmium, or the Danube region, remained occupied. The Government decided to reintegrate this territory by peaceful means with the assistance of the international community The negotiations to that end between the Government and the proxies of the occupying authorities were completed on 12 November 1995 with the signing of the Basic Agreement (S/1995/951) in the occupied town of Erdut. A multinational authority, the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), was established by the Security Council and deployed in the region in January 1996, for the purpose of peaceful reintegration of the region into Croatia's constitutional and administrative system.

During its fiftieth session, in the fall of 1995, the General Assembly supported Croatia's motion to defer the consideration of the item until the following session. The negotiations aimed at peaceful reintegration of this remaining occupied territory were being carried out during the time period envisioned by the Assembly for its consideration of the item. The Assembly did not wish to influence nor prejudge the outcome of negotiations by its activity.

During its fifty-first session, in the fall of 1996, the General Assembly supported Croatia's motion to defer the consideration of the item until the following session. The Security Council was considering the prolongation of the UNTAES mandate in the Eastern Slavonia region during the time period envisioned by the Assembly for its consideration of the item. The Assembly did not wish to influence the Security Council debate on the specific issue by its activity.

On 13 April 1997, local elections were held throughout Croatia, including the Eastern Slavonia region, for the first time since the occupation. The elections in the region were certified free and fair by the Transitional Administrator on 23 April. The results were certified on 30 April. The new local authorities in the cities and municipalities in the region were constituted by 30 May. The laws of Croatia became effective in the region on 1 June.

The local Serb authorities invited the President of Croatia to visit the region, which he did on 2 June at Beli Manastir. He made an impassioned appeal to the local Serbs to accept Croatia as their State, in the same manner that over 145,000 other Serbs had done elsewhere in Croatia throughout the conflict, and to realize the rights and privileges that these Serbs and other minorities already enjoyed. He appealed for reconciliation, tolerance, moderation and coexistence with other non-Serb citizens in multi-ethnic Croatia. The President repeated his appeal on 8 June in Vukovar - the eighth such public overture to the former rebels in a 12-month period.

Prior to the successful holding of elections and the establishment of new local authorities in the region, the reintegration process was advanced by the successful demilitarization of the region and by the establishment of diplomatic relations between Croatia and the Federal Republic of Yugoslavia. The demilitarization of the region was completed on 20 June 1996. The Government estimated that units of the Yugoslav Army and Police, along with their local proxies, withdrew about 140 tanks, 210 artillery pieces, 90 armoured personnel

carriers, 150 anti-aircraft guns and 20,000 personnel from the region. Two months later, on 23 August, Croatia and the Federal Republic of Yugoslavia normalized their relations (S/1996/744), and on 9 September established diplomatic relations. The two States made commitments to establish their relations on the basis of good-neighbourliness and to resolve all of their outstanding and future disputes through peaceful bilateral negotiations.

With the establishment of new, democratically elected local government in the region and the ongoing phasing-in of Croatian institutions throughout the region, the occupation of the last remaining territory in Croatia has ended.

Consistent with the achievements in the reintegration process, on 14 July 1997 the Security Council adopted resolution 1120 (1997), which called for the withdrawal of the military component of UNTAES from the region, and for the devolution of the executive authority of UNTAES in favour of the newly elected Croatian authorities. The Government has negotiated an arrangement with the Organization for Security and Cooperation in Europe (OSCE) to assume the long-term monitoring role in Croatia after 15 January 1998, once the timetable for the United Nations presence in the region envisioned by the Basic Agreement expires.

The Croatian Government is now proceeding with a laborious, costly, delicate and time-consuming campaign to return to their pre-conflict homes the mostly non-Serb victims of ethnic cleansing and the mostly Serb persons who were displaced or became refugees because of their affiliation with the occupying authorities. The returns are carefully managed, keeping in mind international conventions which state that they should be voluntary, safe and dignified. The Government is also managing the returns in the only way a responsible Government can - consistent with its internal security constraints, its professional and economic resources and its interest in maintaining regional peace and stability. Over the past two years, 16,000 persons formerly affiliated with the occupying authorities have returned to Croatia.